

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**IN RE: PHARMACEUTICAL : MISC. NO. 1:08-MC-0310  
INDUSTRY AVERAGE :  
WHOLESALE PRICE LITIGATION : (Judge Conner)**

**ORDER**

AND NOW, this 13th day of January, 2009, upon consideration of the motion to quash (Doc. 1) certain discovery requests, of the order to show cause (Doc. 5) why the discovery dispute should not be transferred to the United States District Court for the District of Massachusetts, of movant's response (Doc. 10) thereto, and of non-movant's reply (Doc. 18), which requests that the above-captioned matter be transferred as proposed in the order to show cause, it is hereby ORDERED that:

1. On or before January 28, 2009, movant Commonwealth of Pennsylvania may—but is not required to—file a supplemental response to the order to show cause responding to arguments raised in non-movant's reply (Doc. 18).<sup>1</sup>
2. At the expiration the briefing period established by Paragraph 1, the court will issue a ruling on the order to show cause and may take such other action as it deems appropriate.
3. Within twenty-four hours of the issuance hereof, counsel for movant Commonwealth of Pennsylvania shall serve a copy of this order upon counsel for non-movant via facsimile and first class mail. Counsel for movant shall file a certificate of service upon completion thereof.

S/ Christopher C. Conner  
CHRISTOPHER C. CONNER  
United States District Judge

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<sup>1</sup>After movant submitted its response (Doc. 10) to the order to show cause, the parties attempted for several weeks to resolve the discovery dispute. Non-movants submitted their reply (Doc. 18) following the conclusion of these efforts, which failed to dispose of all discovery issues. The court has established this supplemental briefing period to provide movant with a post-negotiation opportunity to respond to the order to show cause.